

CPR COMMISSION PUBLIC HEARING
Corrections Reform and Public Safety
California State Long Beach
September 10, 2004
10:00 to 4:00 pm

CDAА Testimony on Independent Review Panel Report

INTRODUCTION

PRESENTATION OF DAVID W. PAULSON, PRESIDENT,
CALIFORNIA DISTRICT ATTORNEYS ASSOCIATION

If the corrections system's success is measured by recidivism rates, the current system is definitely broken. According to statistics, and to what law enforcement agencies experience on a daily basis, prisoners are likely to return to lives of crime once they've served their prison terms and have been released back into the community. Additionally, the corrections system faces great challenges in its work environment--an environment that must include accountability, that is critical to the successful delivery of correction services, and that talented individuals should feel proud to be a part of.

I applaud your efforts in this great undertaking to reexamine the ways services are provided to prisoners and parolees in order to make California a safer place to live. Obviously this is a tremendous undertaking considering the vast number of prisoners and parolees, including adult and youth offenders, and the fact that prison inmates' risks and needs vary greatly.

Just as local law enforcement agencies, including district attorneys' offices, must make tough decisions on how to allocate resources in the interest of public safety, the state too must decide on how to use resources most effectively while ensuring public safety. This balancing test presents great challenges for everybody--especially during times when resources are scarce. Ultimately, local and state officials must miraculously provide necessary public services without compromising public safety--all this with limited resources.

In order to do so, the IRP report has examined different ways to manage

prison and parole populations. CDAA fully supports the corrections system offering different educational opportunities for prison inmates to better themselves and to help them prepare for reentry into the community after completing their prison terms. These opportunities can help offenders become honest, productive members of society and help them gain a sense of pride and belonging to their community. If this is accomplished, in addition to the benefits to prisoners and parolees, if recidivism rates are reduced, all of society will benefit.

Now, however, is not the time to modify California sentencing laws--such changes are unnecessary and unjustified. One of the proposals being recommended is to develop a presumptive sentencing model. This is not warranted since the current sentencing structure in California, determinate sentencing, is a presumptive sentencing model with the middle term of a triage being the presumptive sentence. Furthermore, the presumptive sentencing model allows for uniformity; specifically, Penal Code Section 1170(a) states that prison terms should be “served by terms proportionate to the seriousness of the offense with the provision for uniformity in the sentencing of offenders committing the same offense under similar circumstances.” Uniformity allows for similar treatment for similar crimes, which provides for fairness and certainty in the judicial system.

The current determinate sentencing model is working. It has been successful in holding individuals who commit serious and heinous crimes responsible for their actions. It acts as a deterrent and keeps crime rate down by keeping dangerous offenders off the streets. Before determinate sentencing, the judicial system acted as a revolving door for criminals. For example, defendant Kenneth Parnell was first convicted in 1951 for sexually abusing an eight-year-old boy he had kidnapped. After serving his prison sentence, he kidnapped seven-year-old Steven Stayner in 1972, held him for seven years, and then kidnapped five-year-old Timmy White in 1980 before getting caught. After serving five of an eight-year prison sentence—the maximum sentence available at the time--Parnell was released. He was then caught and convicted again in 2004 for trying to purchase another child. If determinate sentencing laws had been in place at the time of his original convictions, Parnell would have received multiple-life sentences and wouldn't have had the opportunity to reoffend.

Another example is defendant Larry Singleton who was convicted of brutally raping and dismantling a victim leaving her for dead. After being

sentenced to 14 years and four months, and serving just over seven, he traveled to Florida State, where he found and murdered his next victim. If California's determinate sentencing laws had been in place at the time, Singleton too would have received multiple life-sentences. Instead, the system failed by releasing him into the community, which resulted in the suffering and loss of life to another victim.

CDAAC also opposes the proposal to address prison population problems by creating supplemental reduction credits. CDAAC believes in California's "Truth in Sentencing" laws, which hold offenders fully accountable for their actions and requires defendants to actually serve their full sentences. But current law allows for a reduction in time served in custody for performance in work, training, and education programs to encourage prisoners to better themselves. Nevertheless, there is no requirement that prisoners actually complete programs in order to receive custody credits and therefore the system isn't working. In order to motivate prisoners to actually participate in programs designed to help them prepare for parole, Senator Poochigian authored a bill, SB 1660, supported by the Little Hoover Commission, that would have required inmates who were enrolled in school or vocational programs in which they failed to complete, forfeiture all participation or worktime credits previously awarded. The bill ultimately failed in the Assembly Appropriations Committee. At the very least, there should be a requirement that prisoners participate in programs before getting custody credits so that inmates aren't given get-out-of-jail-early cards for merely enrolling in programs. Furthermore, supplemental reduction credits should not be offered unless such programs can be linked directly to reductions in recidivism rates.

Lastly, CDAAC opposes releasing inmates early solely based upon their age. Again, offenders should be held fully accountable for their actions and should be required to serve their full prison sentences. Besides providing for accountability, this will ensure confidence in the justice system, which favors finality; and finality provides closure, which is important in the healing process for crime victims. The aging of a prisoner doesn't erase the crime.

Instead of making changes to California's sentencing laws, the recommendations to assess prisoners' needs and to provide appropriate programs should be implemented. In doing so, it is important that prisoners' progress be measured based upon specific criteria and recidivism rates be

tracked. This will help Corrections determine what programs are most successful in reducing crime.

As President of the California District Attorneys Association and the District Attorney of Solano County, I have seen the devastating effect crime has on families and communities. As such, it would be a great privilege to help implement changes that will reduce crime and make California a safer place to live.